

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ANTONIA P. MELLOS, et al.,

Plaintiffs,

v.

Case No. 12-12762

PROTECTIVE LIFE INSURANCE COMPANY,
et al.,

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS, AND
DISMISSING COUNTS II AND IV OF THE COMPLAINT, AND
CANCELLING SEPTEMBER 19, 2012 HEARING**

On July 11, 2012, Defendants Protective Life Insurance Company and Chase Insurance Life and Annuity Company filed a motion to dismiss, in which they argue that Counts II and IV of the Complaint fail to state claims upon which relief can be granted. During an August 14, 2012 scheduling conference, Plaintiffs' counsel indicated that his clients agreed that the two counts did not state claims and stipulated to the dismissal of the counts against all three Defendants. Based on this oral stipulation and the reasoning contained in Defendants' brief in support of their motion, the court will grant the motion to dismiss and cancel the hearing scheduled for September 19, 2012. Accordingly,

IT IS ORDERED that Defendants Protective Life Insurance Company and Chase Insurance Life and Annuity Company's motion to dismiss [Dkt. # 5] is GRANTED. Counts II and IV of the Complaint are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that the September 19, 2012 hearing is
CANCELLED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 20, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 20, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522